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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,808	11/04/2003	Robert T. Bigelow	BA-U-COV-00010	4771
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EXAMINER A. PHU DIEU TRAN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: ROBERT T. BIGELOW

Application No. 10/700,808
Technology Center 3600

Mailed: 29 September 2009

Before YOLUNDA R. TOWNES, *Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 22, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

APPEAL BRIEF, CLAIMS APPENDIX

A review of the Appeal Brief filed March 6, 2009 reveals that claim 2 in the Claims appendix of the Appeal Brief is not consistent as amended in the last entered amendment filed on February 7, 2008. The copy of the claims should be in proper format and should not include any markings such

as brackets or underlining except for claims in a reissue application in accordance with 37 C.F.R. 41.37(c)(1)(viii). Furthermore, the Claims Appendix cannot assume entry of After Final Submissions for which an Advisory Action (or other Office communication) has not advised of entry. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8th ed. Rev. 6, Sept 2007) for details.

Specifically, claim 2, as provided in the Brief's Claims Appendix, reads:

“2. A cover for use with a core of an inflatable modular structure, the core having a plurality of attachment elements, the cover comprising:

a first segment of at least one substantially sheet like and substantially rigid structure and having a longitudinal axis, an interior surface, and having an arcuate exterior disposed generally opposite of the interior surface and surface perpendicular to the length of the longitudinal axis:

a second segment having a substantially flat surface; a plurality of ribs disposed between, and joined to, the inner surface of the first segment and the substantially flat surface of the second segment and the ribs having a plurality of attachment elements; and the attachment elements on the ribs cooperating with the attachment elements on the core such that the cover is removably attached to the core.”

However, in the last entered Amendment dated February 7, 2008, Claim 2 reads:

“2. A cover for use with a core of an inflatable modular structure, the core having a plurality of attachment elements, the cover comprising:

a first segment of at least one substantially sheet like and substantially rigid structure and having a longitudinal axis, an interior surface, and having an arcuate exterior surface disposed generally opposite of the interior surface and surface perpendicular to the length of the longitudinal axis:

a second segment having a substantially flat surface; a plurality of ribs disposed between, and joined to, the inner surface of the first segment and

the substantially flat surface of the second segment and the ribs having a plurality of attachment elements; and the attachment elements on the ribs cooperating with the attachment elements on the core such that the cover is removably attached to the core.”

Appropriate correction of the claim provided in the Claims Appendix in proper format is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner for the following:

- 1) correction of the Claims Appendix of the Brief filed March 6, 2009; and
- 2) for such further action as may be appropriate, consistent with Office policy and practice.

If there are any questions pertaining to the Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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